THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1980 OF 2006

Dated: 10-02-2006

Between

Y. Ram Reddy, S/o. Narayana Reddy,

R/o. H.No.4-303/1, Navajeevan Nagar,

Feroojguda, Secunderabad.

...PETITIONER

AND

The Chairman and Managing Director,

CPDC of A.P. Limited, (A.P. Transco)

Hyderabad and others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondents.

The petitioner questions the impugned provisional assessment notice dated 16.04.2005. It is stated that the third respondent while provisionally assessing the loss on account of pilferage at Rs.60,210.87/- not only disconnected the power supply but also demanded to pay half of the said amount for restoration of power supply. It is stated that the said action of the respondents is squarely covered by the judgment of the Division Bench of this Court in W.A.Nos.452 and 477 of 2004 dated 11.03.2004 between

M/s. Mallikarjuna Polishing Industries and Chief Managing Director, Transmission

Corporation of A.P. Ltd., held in favour of the petitioner. It is stated that a show cause notice has been issued and the petitioner also submitted his explanation. It is also stated that in compliance with the said provisional assessment order the petitioner has already paid an amount of Rs.8,171/- on 09.05.2005.

Having regard to the facts and circumstances of the case, as the demand and disconnection even before the passing of final order is illegal and contrary to the aforesaid judgment and in violation of the provisions of Section 126 of the Electricity Act, 2003 (for short 'the Act'), the respondents are directed to pass appropriate final orders after giving reasonable opportunity to the petitioner in accordance with law particularly with reference to Section 126 of the Act within a period of four weeks from the date of receipt of a copy of this order.

It is always open for the respondents to adjust the said amount as against the amount determined in the final order.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

February 10, 2006

DSK